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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/234,427	01/20/1999	AMOS INTRATER	NSC8-8400	6107

27271 7590 05/31/2002

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EXAMINER
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PAN, DANIEL H

ART UNIT	PAPER NUMBER
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2183

DATE MAILED: 05/31/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.



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7590 03/27/2002  
~~MARK C PICKERING~~  
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# Office Action Summary

Application No.  
09/234,427

Applicant(s)  
Intrater et al.

Examiner  
Pan

Art Unit  
2183



— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1) ☒ Responsive to communication(s) filed on the amendment filed on 01/09/02

2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

## Disposition of Claims

4) ☒ Claim(s) 2-8, 18, 27, and 36-39 is/are pending in the applica

4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from considera

5) ☒ Claim(s) 2-8, 18, 27, and 36-39 is/are allowed.

6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.

7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.

8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirem

## Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.

12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) ☐ All b) ☐ Some\* c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

15) ☐ Notice of References Cited (PTO-892)

18) ☒ Interview Summary (PTO-413) Paper No(s). herein

16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

19) ☐ Notice of Informal Patent Application (PTO-152)

17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 1427/12

20) ☐ Other:

## Interview Summary

Application No.  
09/234,427

Applicant(s)  
Intrater et al.

Examiner  
Pan

Group Art Unit  
2183



All participants (applicant, applicant's representative, PTO personnel):

(1) Pan

(3) \_\_\_\_\_

(2) Mark Pickering

(4) \_\_\_\_\_

Date of Interview Mar 20, 2002

Type: a) ☒ Telephonic b) ☐ Video Conference  
c) ☐ Personal [copy is given to 1) ☐ applicant 2) ☒ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No. If yes, brief description:

Claim(s) discussed: 2-8, 18, 27, and 36-39

Identification of prior art discussed:

none

Agreement with respect to the claims f) ☒ was reached. g) ☐ was not reached. h) N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments:

Applicant will file a supplemental amendment to correct the claims in accordance with the rules 1.121(h) and 1.173(d), and search for apparent missing data sheet NS32FX16 labeled as "Appendix A" in applicant's file record and prepare the microfiche. The appendix was misplaced due to apparent clerical error. To treat applicant fairly, the attached Office action is a non-final action.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

i) ☒ It is not necessary for applicant to provide a separate record of the substance of the interview (if box is checked).

Unless the paragraph above has been checked, THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

Art Unit: 2183

1. Claims 2-8,18,27,36-39 remain for examination. Claims 1,9,10 have been surrendered in view of the reissue. Claims 11-17,19-26,28-35,40-44 have been canceled.

2. The amendment filed on Jan. 09, 2002 have been received by the Office. In response to the applicant's request (see attached Interview Summary form), this written Office action is now being sent to the applicant to correct the following objections remained in the case , this is a non-final action which allows applicant reasonable time to respond :

1) the amendment did not follow the new rules 37 C.F.R. 1.121(h) and 1.173(d);

2) the 3.73(b) statement filed by applicant is incorrect. The correct assignment information of the parent case should be at Reel 6184 Frame 0772 and Reel 5262 Frame 0743. Applicant is kindly suggested to confirm the assignment information and file a new combined 3.73(b) statement in the next response.

3) applicant will look into applicant's file record and search for the data sheet labeled as "Appendix A", and will prepare the file and file Appendix A in form of a microfiche. The date of the data sheet will be looked into.

3. Claims 11,20,29 were rejected under 35 U.S.C. §251 as being an improper recapture of subject matter that was surrendered in the application for the patent upon which the present reissue is based. In response from the applicant, claims 11,20,29 have been canceled.

Art Unit: 2183

4. Claims 18, 27, 36 have been amended to be independent form and included limitations of the base claims. Claims 2-8,18,27,36-39 now are allowable over the art of record under the condition that the objections set forth above will be solved in the next response.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel Pan whose telephone number is (703) 305 9696. The examiner can normally be reached on M-F from 8:00 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chan, can be reached on (703) 305 9712. The fax phone number for the organization where this application or proceeding is assigned are :

- a)before final (703) 746 7239
- b) after final (703) 746 7238
- c) Customer Service (703) 746 7240 .

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305 3900.

  
DANIEL H. PAN  
PRIMARY EXAMINER  
PRGROUP